

DEPARTMENT OF ENERGY

Statement of Regulatory and Deregulatory Priorities

The Department of Energy (DOE or the Department) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to ensure America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions.

Through its regulatory and deregulatory activities, the Department works to ensure it both achieves its critical mission, and implements the administration's initiative to reduce regulation and control regulatory costs as outlined in Executive Order (E.O.) 13771, "Reducing Regulation and Controlling Regulatory Costs." As such, the Department strives to act in a prudent and financially responsible manner in the expenditure of funds, from both public and private sources, and manages appropriately the costs associated with private expenditures required for compliance with DOE regulations. Ultimately, DOE aims to promote meaningful regulatory burden reduction, while also achieving its regulatory objectives and meeting its statutory obligations.

Regulatory and Deregulatory Priorities

DOE's regulatory and deregulatory priorities reflect the Department's efforts to achieve meaningful burden reduction while continuing to achieve the Department's statutory obligations. To that end, DOE is including three rulemakings in its Regulatory Plan this year and highlighting one completed action.

DOE is pursuing a rulemaking, which would constitute a regulatory action, to establish new energy conservation standards for manufactured housing. The standards satisfy the requirements of 42 U.S.C. 17071 to establish standards for manufactured housing based on the most recent version of the International Energy Conservation Code.

There are two items in DOE's Regulatory Plan that are aimed at reducing regulatory costs and burdens. The first action concerns modernizing the procedures for establishing energy conservation standards and test procedures as part of DOE's Appliance Program, also known as the Process Rule. Second, DOE is in the process of granting a petition for rulemaking that would lead to the creation of a

new product class for short-cycle dishwashers, an action that could lead to product innovation and enhanced consumer utility.

Furthermore, DOE has completed a rule that withdraws the revised definitions of general service lamps (GSL) and general service incandescent lamps (GSIL) that would otherwise take effect on January 1, 2020.

Retrospective Analyses of Existing Rules

On January 30, 2017, the President issued E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs.” That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward that end, E.O. 13771 requires, among other things, that whenever an agency proposes for notice and comment or otherwise promulgates a new regulation, the agency must identify at least two existing regulations to be repealed. E.O. 13771 also provides for the establishment of agency regulatory cost budgets, as identified by the Office of Management and Budget.

Additionally, on February 24, 2017, the President issued E.O. 13777, “Enforcing the Regulatory Reform Agenda.” That Order required that the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 required the establishment of a regulatory reform task force at each agency. The regulatory reform task force makes recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law.

In implementation of both Orders, on May 30, 2017, DOE published in the Federal Register a Request for Information (RFI), seeking input and other assistance from entities significantly affected by regulations of the DOE, including State, local, and Tribal governments, small businesses, consumers, non-governmental organizations, and manufacturers and their trade associations. DOE’s goal in publishing the RFI was to “create a systematic method for identifying those existing DOE rules that are obsolete, unnecessary, unjustified, or simply no longer make sense.” DOE solicited views on: a) how

DOE could best conduct its analysis of existing agency actions, and b) insights on specific rules or Department-imposed obligations that should be altered or eliminated. DOE received 132 separate public comments from decision-makers, stakeholders, and the public on rules promulgated by DOE and the burdens some of those rules have imposed.

In response to the May 30, 2017, RFI, DOE received many comments recommending that DOE update and modernize its procedures for establishing energy conservation standards and test procedures for the DOE Appliance Program, otherwise known as the “Process Rule.” The current Process Rule can be found in Appendix A to Subpart C of part 430 of the Code of Federal Regulations, published on July 15, 1996. In response to stakeholder input, DOE published a RFI on December 18, 2017 (82 FR 59992), seeking comments and information from interested parties to assist DOE in identifying potential modifications to its “Process Rule.” DOE conducted a public meeting and webinar on January 9, 2018, that was widely attended by a broad spectrum of stakeholders. DOE published a notice of proposed rulemaking (NPR) in the *Federal Register* on February 13, 2019, taking into account the many suggestions from stakeholders in both the RFI and January 9, 2018, public meeting (84 FR 3910). DOE held two full days of public meetings to address the NPR, both of which were widely attended by a broad spectrum of stakeholders. These public meetings were held on March 21, 2019, and April 11, 2019, respectively. In addition, stakeholders had ample opportunity to submit written comments. The comment period ran from February 13, 2019, until May 6, 2019, with two extensions being granted. DOE is currently working on the final rule.

Second, DOE is in the process of granting a petition for rulemaking that would lead to the creation of a new product class for short-cycle dishwashers, an action that would lead to product innovation as manufacturers developed technologies that accomplish daily, regular, or typical use of a dishwasher to completely wash and dry a full load of normally soiled dishes (*i.e.*, the normal cycle time) of less than one hour and enhanced consumer utility to address the significant number of consumers commenting to DOE to express dissatisfaction with the amount of time necessary to run their dishwashers.

As DOE noted above, it has recently completed a rule withdrawing the revised definitions of general service lamps (GSL) and general service incandescent lamps (GSIL) that would otherwise take

effect on January 1, 2020. This rule maintains the existing statutory definitions of GSL and GSIL currently found in the Department's regulations. DOE published the final rule on September 5, 2019.